

REMARKS

In the Office Action, the Examiner rejected claims 1-2, 5-6, 8-10, 13-14 and 16-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,089,321 to Hayashi ("Hayashi") in view of U.S. Patent Application No. 2004/0268407 to Sparrell ("Sparrell") and U.S. Patent Application Publication No. 2004/0268407 to Cheng ("Cheng"); rejected claims 3 and 11 under 35 U.S.C. 103(a) over Hayashi in view of Sparrell and Cheng and further in view of U.S. Patent Application No. 2007/0199030 to Ellis ("Ellis"); rejected claims 4 and 12 under 35 U.S.C. 103(a) over Hayashi in view of Sparrell and Cheng and further in view of U.S. Patent Application No. 2004/0221302 to Ansari ("Ansari"); rejected claims 7 and 15 under 35 U.S.C. 103(a) over Hayashi in view of Sparrell and Cheng and further in view of U.S. Patent Application No. 2006/0179462; and rejected claim 21 under 35 U.S.C. 103(a) over Hayashi in view of Sparrell and Cheng and further in view of "Automatic Windows 98/ME TCP/IP Addressing with a DHCP Server" ("APIPA"). Applicants respectfully traverse these rejections.

Applicants thank the Examiner for the courtesy extended to their representative, Donald Min, during an in-person interview on March 16, 2010. During this interview, Applicants' representative discussed a proposed claim amendment and the cited references. Although agreement was not reached in the interview, Applicants thank the Examiner for his comments on these proposed amendments. This Amendment and remarks herein reflect the discussions of the interview and address the comments of the Examiner.

By this Amendment, Applicants have amended claims 1, 9, and 17. Claims 1-21 remain currently pending.

Rejection of claims 1-2, 5-6, 8-10, 13-14 and 16-20

In the Office Action, the Examiner rejected claims 1-2, 5-6, 8-10, 13-14 and 16-20 under 35 U.S.C. 103(a) as being unpatentable over Hayashi, Sparrell, and Cheng. Applicants respectfully traverse this rejection.

Claim 1 now recites, among other things, allocating resources of a PVR system to clients, as appropriate, to deliver said at least one service to each of the clients, wherein resources of the PVR system comprise the plurality of tuners and the plurality of independent read taps, and wherein the different clients may share at least one service using the independent read taps and resolving the conflict among the requesting clients based on the designated state of the first tuner stored in the memory and the availability of the resources of the PVR system comprising the tuners and the plurality of independent read taps. None of the cited references teach or suggest at least this combination of features.

The Office Action correctly acknowledges that Hayashi and Sparrell fail to teach or suggest all the features of claim 1. (See Office Action at page 4.) Therefore, it is undisputed that Hayashi and Sparrell fail to teach or suggest all the features of the claim, even as amended.

However, the Examiner alleges that Cheng cures the deficiencies of Hayashi and Sparrell. The Applicants respectfully disagree.

Cheng appears to teach a distributed tuner system that allows various television programs to be recorded using a record event. Each record event requires a single tuner. (See Cheng at para. [0045].) In Cheng, when a channel or program is no longer being recorded, a user will use a “pause buffer”. (See Cheng at para. [0047].) Notably, Cheng’s pause buffers cannot be shared between users. (See Cheng at par. [0048].) If two users wish to tune to the same channel or program on different set top boxes (or clients), then Cheng’s system resolves this conflict by not sharing pause buffers and instead allocates a tuner, if available. (Id.)

In contrast, claim 1, as amended, recites allocating resources of a PVR system to clients, as appropriate, to deliver said at least one service to each of the clients. According to claim 1, resources of the PVR system comprise the plurality of tuners and a plurality of independent read taps. In addition, since the read taps are independent, different clients may share at least one service using the independent read taps and conflicts can be resolved among the requesting clients based on the designated state of the first tuner stored in the memory and the availability of the resources of the PVR system comprising the tuners and the plurality of independent read taps.

Because Cheng’s system cannot share buffers, it does not teach or suggest different clients that may share at least on service using independent read taps for a buffered television signal, much less resolving conflicts between requesting clients based on the designated state of the first tuner stored in the memory and the availability of the resources of the PVR system comprising the tuners and the plurality of independent read taps, as claimed by claim 1.

Accordingly, even if Cheng were properly combinable with Hayashi and Sparrell (which it is not), this combination would still fail to teach or suggest all the features of claim 1. Indeed, like Cheng, Sparrell also does not allow its clients to share services. For example, Sparrell notes that a user (“Dad”) must “steal” a tuner from another media pipeline that’s been allocated in order to resolve a conflict. (See Sparrell at para. [0075].) Hayashi is also silent with respect to this feature of claim 1. Therefore, Applicants submit that Cheng fails to cure the deficiencies of Hayashi and Sparrell. Reconsideration and withdrawal of the rejection is respectfully requested.

As to independent claims 9 and 17, these claims recite similar features to those set forth

in claim 1. Thus, for at least similar reasons noted above, Applicants submit that claims 9 and 17 are also allowable over the cited references.

Claims 2, 5-6, 8, 10, 13-14, 16, and 18-20 depend from claims 1, 9, and 17 respectively. Therefore, Applicants submit that these claims are allowable based on their dependency from claims 1, 9, and 17, as well as for their additional features.

Rejection of claims 3 and 11, 4 and 12, 7 and 15, and 21

In the Office Action, the Examiner rejected claims 3 and 11 under 35 U.S.C. 103(a) over Hayashi in view of Sparrell and Cheng and further in view of Ellis; rejected claims 4 and 12 under 35 U.S.C. 103(a) over Hayashi in view of Sparrell and Cheng and further in view of Ansari; rejected claims 7 and 15 under 35 U.S.C. 103(a) over Hayashi in view of Sparrell and Cheng and further in view of Williame; and rejected claim 21 under 35 U.S.C. 103(a) over Hayashi in view of Sparrell and Cheng and further in view of APIPA. Applicants respectfully traverse these rejections.

Through their respective dependency from claims 1, 9, and 17, claims 3-4, 7, 11-12, 15, and 21 now recite, among other things, allocating resources of a PVR system to clients, as appropriate, to deliver said at least one service to each of the clients, wherein resources of the PVR system comprise the plurality of tuners and the plurality of independent read taps, and wherein the different clients may share at least one service using the independent read taps and resolving the conflict among the requesting clients based on the designated state of the first tuner stored in the memory and the availability of the resources of the PVR system comprising the tuners and the plurality of independent read taps. None of the cited references teach or suggest at least this combination of features.

The Office Action correctly acknowledges that Hayashi, Sparrell, and Cheng fail to teach or suggest all the features of claims 3-4, 7, 11-12, 15, and 21. (See Office Action at pages 9, 12, and 13.) Therefore, it is undisputed that Hayashi, Sparrell, and Cheng fail to teach or suggest all the features of these claims, even as amended.

However, the Examiner alleges that these various references cure the deficiencies of Hayashi, Sparrell, and Cheng. The Applicants respectfully disagree.

The Examiner apparently relies on these additional references, Ellis, Williame, Ansari, and APIPA for specific teachings of the various dependent claims. Applicants submit that none of Ellis, Williame, Ansari, or APIPA teach or suggest allocating resources of a PVR system to clients, as appropriate, to deliver said at least one service to each of the clients, wherein resources of the PVR system comprise the plurality of tuners and the plurality of independent

read taps, and wherein the different clients may share at least one service using the independent read taps and resolving the conflict among the requesting clients based on the designated state of the first tuner stored in the memory and the availability of the resources of the PVR system comprising the tuners and the plurality of independent read taps. Therefore, Applicants submit that even if these references were properly combinable with Hayashi, Sparrell, and Cheng (which they are not), the resulting combinations would still fail to teach or suggest all the features of claims 3-4, 7, 11-12, 15, and 21.

Accordingly, Applicants request reconsideration and withdrawal of this rejection and the timely allowance of these claims.

CONCLUSION

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Based on the foregoing remarks, Applicant believes that the claims, namely 1-21, are in condition for allowance. If the Examiner has any question regarding the case, the Examiner is invited to contact Applicant's undersigned representative at the number given below.

Respectfully submitted,
ROVI Corporation, formerly
MACROVISION SOLUTIONS CORPORATION

Dated: March 22, 2010

By: /Donald D. Min/
Donald D. Min
Registration No. 47,796

for

Andy T. Pho
Registration No. 48,862

Customer No. 31665
2830 De La Cruz Boulevard
Santa Clara, CA 95050